

Message Text

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PAGE 01 STATE 161499
ORIGIN HA-05

INFO OCT-01 AF-10 EUR-12 NEA-11 IO-14 ISO-00 SS-15
CA-01 INSE-00 EB-08 VO-03 PA-02 ICA-20 SIG-03
L-03 CIAE-00 INR-10 NSAE-00 DODE-00 DOTE-00 NSC-05
/123 R

DRAFTED BY HA/ORM:LSCHERMERHORN;LROSENBLATT:LGS
APPROVED BY HA/ORM:HBCUSHING
EA/RA:FBENNETT
P:TMILLER
SCA:JDEWITT
INS/CO:JREBSAMEN
EB/TCA/MA:RJOHE

-----034954 240259Z /61

P 240119Z JUN 78
FM SECSTATE WASHDC
TO ALL EAST ASIAN AND PACIFIC DIPLOMATIC POSTS PRIORITY
ALL NATO CAPITALS
AMEMBASSY STOCKHOLM PRIORITY
USMISSION GENEVA PRIORITY
AMEMBASSY DJIBOUTI PRIORITY
AMEMBASSY ATHENS PRIORITY
AMCONSUL MADRAS PRIORITY
AMEMBASSY NEW DELHI PRIORITY
AMEMBASSY COLOMBO PRIORITY
CINCPAC HONOLULU HAWAII PRIORITY 0000
NMCC WASHDC PRIORITY

UNCLAS STATE 161499

ALL ADDRESSEES PRIORITY

E.O. 11652: N/A

TAGS: SREF

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SUBJECT: INDOCHINESE REFUGEES RESCUED AT SEA
REFS: STATE 109486; STATE 152208 (PARA 3)

HONG KONG FOR DIDIR FELDMAN

1. THE DIFFICULTIES ENCOUNTERED BY SOME SHIPS IN GAINING
PERMISSION TO DISEMBARK REFUGEES RESCUED AT SEA AT THE

NEXT PORT-OF-CALL MAY DISCOURAGE OCEAN-GOING VESSELS FROM ASSISTING, UNDER RECOGNIZED TENETS OF INTERNATIONAL LAW AND PRACTICE, SMALL CRAFT IN DISTRESS WITH SUCH REFUGEES ON BOARD. SOUTHEAST ASIAN COUNTRIES WHOSE SEA LANES BORDER ON VIETNAM, IN PARTICULAR SINGAPORE, HAVE SOMETIMES REFUSED ENTRY TO BOAT REFUGEES WHO DO NOT HAVE A FIRM GUARANTEE OF THIRD COUNTRY RESETTLEMENT. THESE REFUSALS HAVE OCCASIONALLY DELAYED MERCHANT VESSELS INCLUDING U.S. FLAG, OR FORCED THEM TO ALTER THEIR SAILING SCHEDULE TO FIND PORTS WHICH WOULD ACCOMMODATE REFUGEE PASSENGERS.

2. THE CONDITIONAL ENTRY AND PAROLE CLAUSES OF THE IMMIGRATION AND NATIONALITY ACT WHICH STRESS THAT INDIVIDUAL CONSIDERATION MUST BE GIVEN TO EACH CASE HAS MADE IT EXTREMELY DIFFICULT TO OFFER THE "BANKABLE GUARANTEE"

DESIRED IN ADVANCE BY GOVERNMENTS HAVING JURISDICTION OVER PORTS-OF-CALL. THE DEPARTMENT AND THE IMMIGRATION AND NATURALIZATION SERVICE SHARE A CONCERN, HOWEVER, THAT THE REQUIREMENT FOR GUARANTEES NOT RESULT IN SITUATIONS WHERE VESSELS OF ANY COUNTRY BY-PASS DISTRESSED BOATS BECAUSE THEY WILL BE UNABLE TO LAND THE RESCUED REFUGEES IN A TIMELY MANNER. IN CASES OF INDOCHINESE REFUGEES PICKED UP AT SEA BY AMERICAN FLAG OR AMERICAN-OWNED VESSELS, THE FOLLOWING GUIDANCE WILL FACILITATE THE PROCESSING OF SUCH REFUGEES AND PROMOTE THEIR TEMPORARY ACCEPTANCE AT PORTS-
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OF-CALL IN THE AREA:

A. THE USG WILL EXTEND PROMPT AND SYMPATHETIC CONSIDERATION FOR ADMISSION TO THE UNITED STATES ON A CASE-BY-CASE BASIS ON HUMANITARIAN GROUNDS WITHIN THE FRAMEWORK OF EXISTING PROCEDURES AS DEFINED BY SECTION 203(A)(7) (CONDITIONAL ENTRY) OF SECTION 212(D)(5) OF THE INA.

B. DETERMINATION IN SUCH CASES WILL BE MADE BY THE INS/DISTRICT DIRECTOR IN WHOSE JURISDICTION THE SHIP'S CAPTAIN PROPOSED TO DISCHARGE THE REFUGEE PASSENGER; IT IS UNDERSTOOD THAT THESE DETERMINATIONS WILL BE BASED IN PART ON SECURITY AGENCY CHECKS. VESSELS WITH RESCUED REFUGEES ON BOARD SHOULD NOTIFY THE NEAREST AMERICAN CONSULATE AS SOON AS POSSIBLE, WHICH IN TURN WILL RELAY ALL PERTINENT INFORMATION TO THE REGIONAL INS OFFICER TELEGRAPHICALLY AS WELL AS INFORMING THE NEAREST REPRESENTATIVE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES.

C. A REQUEST FOR AN ACCEPTANCE OF RESPONSIBILITY BY THE UNITED STATES WILL BE ACTED UPON PROMPTLY AND THE CONSULATE AND THE VESSEL INFORMED IMMEDIATELY SO THAT THE SHIP MAY

DISCHARGE ITS PASSENGERS AT THE NEXT REGULAR PORT-OF-CALL OR AT THE NEAREST FEASIBLE LANDING PLACE, AS APPROPRIATE TO THE CIRCUMSTANCES. THE DISTRICT DIRECTOR OF INS IS EMPOWERED TO AUTHORIZE THE AMERICAN CONSUL TO PROVIDE TO THE HOST GOVERNMENTS THE GUARANTEE OF RESETTLEMENT IN THE UNITED STATES IN A REASONABLE TIME FOR ANY REFUGEE NOT ACCEPTED BY OTHER COUNTRIES. LIAISON WITH THE GOVERNMENTAL

AUTHORITIES IN THE PROPOSED DISCHARGE PORT WILL BE THE RESPONSIBILITY OF THE AMERICAN CONSULATE HAVING JURISDICTION. SUCH RESPONSIBILITIES, HOWEVER, WILL BE DISCHARGED IN CLOSE COORDINATION WITH THE UNHCR REPRESENTATIVE WHOSE RESPONSIBILITY IT IS TO COORDINATE RESETTLEMENT OFFERS. IF THERE IS NO UNHCR REPRESENTATIVE-
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CONSULAR OFFICERS SHOULD NOTIFY THE UNHCR VIA CABLE TO US MISSION GENEVA AND AMEMBASSIES KUALA LUMPUR AND BANGKOK FOR UNHCR REGIONAL OFFICES, INFO SECSTATE.

3. VISAS FALCON NAMECHECK REQUESTS SHOULD BE INITIATED BY THE U.S. CONSULAR/REFUGEE OFFICER AS SOON AS POSSIBLE AFTER THE REFUGEES ARE PERMITTED ASHORE AND CAN BE INTERVIEWED. ON THE BASIS OF PAST EXPERIENCE, THE NUMBER OF CASES WHICH MIGHT BE INADMISSIBLE UNDER INA IS NEGLIGIBLE. IN THE UNLIKELY EVENT THAT ANY REFUGEES ARE FOUND INADMISSIBLE AS A RESULT OF NAMECHECK OR INS FINAL INTERVIEW, EVERY EFFORT TO PLACE THESE INDIVIDUALS MUST BE MADE WITH THIRD COUNTRIES BY THE UNHCR.

4. PLEASE USE THIS GUIDANCE AS APPROPRIATE WITH HOST GOVERNMENTS.

5. OCEANSHIPPING INTERESTS ARE BEING INFORMED OF THESE PROCEDURES AND REQUESTED TO DISSEMINATE INFORMATION TO THEIR CLIENTS. VANCE

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INFO OCT-01 ISO-00 /006 R

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DRAFTED BY:HA:ORM:MBCUSHING

APPROVED BY:HA:ORM:SCLOWMAN

-----029163 222256Z /66

R 220905Z JUL 78

FM SECSTATE WASHDC

INFO AMEMBASSY MONROVIA 5871

UNCLAS STATE 161499

FOLLOWING TELEGRAM FROM SECSTATE WASHDC DATED JUNE 24,
1978 SENT ALL EAST ASIAN AND PACIFIC DIPLOMATIC POSTS,
ALL NATO CAPITALS, STOCKHOLM, GENEVA, DJBOUTI, ATHENS,
MADRAS, NEW DELHI, COLOMBO, CINCPAC HONOLULU HAWAII, NMCC WASHDC
IS REPEATED TO YOU: QUOTE

UNCLAS STATE 161499

ALL ADDRESSEES PRIORITY

E.O. 11652: N/A

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: REFUGEES, SHIPS, POLICIES, REFUGEE RESETTLEMENT, BRIEFING MATERIALS
Control Number: n/a
Copy: SINGLE
Draft Date: 24 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE161499
Document Source: CORE
Document Unique ID: 00
Drafter: LSCHERMERHORN:LROSENBLATT:LGS
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
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Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
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Legacy Key: link1978/newtext/t19780623/aaaaatqq.tel
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Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 00361782-c288-dd11-92da-001cc4696bcc
Office: ORIGIN HA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
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Previous Classification: n/a
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Reference: 78 STATE 109486, 78 STATE 152208
Retention: 0
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Review Content Flags:
Review Date: 04 apr 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2218284
Secure: OPEN
Status: NATIVE
Subject: INDOCHINESE REFUGEES RESCUED AT SEA
TAGS: SREF, VM, US
To: EA POSTS NATO POSTS MULTIPLE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/00361782-c288-dd11-92da-001cc4696bcc
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